

## Agricultural Marketing Service, USDA

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AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 69 FR 17850, Apr. 4, 2004, unless otherwise noted.

### DEFINITIONS

#### § 983.1 Accredited laboratory.

An *accredited laboratory* is a laboratory that has been approved or accredited by the U.S. Department of Agriculture for testing aflatoxin.

#### § 983.2 Act.

*Act* means Public Act No. 10, 73rd Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Order Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 *et seq.*).

#### § 983.3 Affiliation.

*Affiliation*. This term normally appears as “affiliate of”, or “affiliated with”, and means a person such as a

producer or handler who is: A producer or handler that directly, or indirectly through one or more intermediaries, owns or controls, or is controlled by, or is under common control with the producer or handler specified; or a producer or handler that directly, or indirectly through one or more intermediaries, is connected in a proprietary capacity, or shares the ownership or control of the specified producer or handler with one or more other producers or handlers. As used in this part, the term “control” (including the terms “controlling”, “controlled by”, and “under the common control with”) means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a handler or a producer, whether through voting securities, membership in a cooperative, by contract or otherwise.

#### § 983.4 Aflatoxin.

*Aflatoxin* is one of a group of mycotoxins produced by the molds *Aspergillus flavus* and *Aspergillus parasiticus*. Aflatoxins are naturally occurring compounds produced by molds, which can be spread in improperly processed and stored nuts, dried fruits and grains.

#### § 983.5 Aflatoxin inspection certificate.

*Aflatoxin inspection certificate* is a certificate issued by an accredited laboratory or by a USDA laboratory.

#### § 983.6 Assessed weight.

*Assessed weight* means pounds of inshell pistachios, free of internal defects as defined in § 983.39(b)(4) and (5), with the weight computed at 5 percent moisture, received for processing by a handler within each production year: *Provided*, That for loose kernels, the actual weight shall be multiplied by two to obtain an inshell weight; or based on such other elements as may be recommended by the committee and approved by the Secretary.

#### § 983.7 Certified pistachios.

*Certified pistachios* are those for which aflatoxin inspection and minimum quality certificates have been issued.